

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

LORENZO MEJIA, JR., #1719601	§	
VS.	§	
JEFFREY CATOE, ET AL.	§	CIVIL ACTION NO. 6:18cv439

ORDER OF DISMISSAL

Plaintiff Lorenzo Mejia, an inmate confined within the Texas Department of Criminal Justice (TDCJ) proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The cause of action was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On July 2, 2021, Judge Mitchell issued a Report, (Dkt. #25), recommending that Plaintiff's civil rights lawsuit be dismissed with prejudice for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b)(1). Plaintiff filed a motion for an extension of time to file objections to the Report. The magistrate judge granted Plaintiff's motion and extended the objection deadline to August 19, 2021 (Dkt. #28).

Rather than filing objections, however, Plaintiff filed an "Attachment Memorandum Supplement Brief to the 42 U.S.C. Section (1983)" (Dkt. #30). The court finds that such filing cannot be construed as objections to the magistrate judge's Report because Plaintiff does not specifically reference or challenge the Report but, instead, relitigates his underlying claims. *See Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc) (explaining that frivolous, conclusory, or general objections need not be considered by the district court), *overruled on other grounds by Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc); *see also Valez-Pedro v. Thermo King De Puerto Rico, Inc.*, 465 F.3d 31, 32 (1st Cir. 2006) (explaining that an objecting party must put forth more than

“[c]onclusory allegations that do not direct the reviewing court to the issues in controversy.”).

Because objections to the magistrate judge’s Report have not been filed, Plaintiff is barred from *de novo* review by this court of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass*, 79 F.3d at 1430.

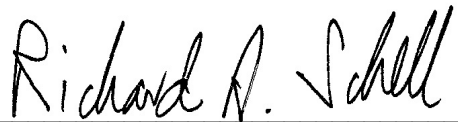
The court has reviewed the pleadings in this cause and the Report of the magistrate judge. Upon such review, the court has determined that the Report of the magistrate judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (holding that where no objections to a magistrate judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law.”). Accordingly, it is

ORDERED that that the Report of the United States Magistrate Judge (Dkt. #25) is **ADOPTED** as the opinion of the court. Further, it is

ORDERED that Plaintiff’s civil rights action is **DISMISSED** with prejudice for Plaintiff’s failure to state a claim upon which relief can be granted under 28 U.S.C. § 1915A(b) (1). Finally, it is

ORDERED that any and all motions which may be pending in this case are hereby **DENIED** as **MOOT**.

SIGNED this the 1st day of September, 2021.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE